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PATENT APPLICATION

TECH CENTER 1600/290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Harold I. NYLAND et al

Conf. No.: 8578

Serial No.: 09/599,002

Group Art Unit: 1655

Filed: June 22, 2000

Examiner: Johannsen, D.

For: METHOD FOR DISEASE DIAGNOSIS BASED  
ON Fc RECEPTOR GENOTYPING

#13  
C. Person  
9/12/02

RESPONSE TO COMMUNICATION REGARDING  
ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner  
of Patents  
Washington, D.C. 20231

Sir:

This Response is in reply to the Communication dated July 1, 2002, in the above-identified application, for which a Petition for a One-month extension of Time, along with payment of the appropriate fee, is attached, making reply due on or before September 3, 2002 (September 1, being a Sunday; and September 2, being a Federal Holiday).

The Patent Office is authorized to charge any fees necessary for the continued pendency of the above-identified application to our Deposit Account No. 19-4880.

REMARKS

In the Communication, the Examiner contends that the Response to Second Restriction Requirement was not fully responsive to the outstanding Office Action.

Specifically, the Examiner notes that Applicants' provisionally elected the species of "genotyping the FcγRIIA and

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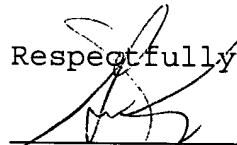
FcγRIIIB receptors" (*sic*) and if a more specific genotype was required, the genotype recited in Claim 18, i.e., the determination of the genotype "FcγRIIA H/H or FcγRIIIB NA1/NA1 (*sic*) or a combination thereof".

The Examiner contends that in the Election of Species Requirement, Applicants were required to elect a single species, whereas Applicants elected multiple species.

Accordingly, Applicants hereby elect the species FcγRIIIB receptor, and if necessary, the corresponding genotype recited in Claim 18, i.e., FcγRIIIB NA1/NA1.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,

  
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Gordon Kit

Registration No. 30,764

**SUGHRUE MION, PLLC**  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3202  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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